

Jess B. Millikan, SBN 095540
 E-mail: jess.millikan@bullivant.com
 Kevin M. (Casey) Christensen, SBN 168119
 E-mail: casey.christensen@bullivant.com
 BULLIVANT HOUSER BAILEY PC
 601 California Street, Suite 1800
 San Francisco, California 94108
 Telephone: 415.352.2700
 Facsimile: 415.352.2701

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Attorneys for Defendants The St. Paul
 Travelers Company, Inc. and St. Paul Mercury
 Insurance Company

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE DIVISION

SYSTEMS AMERICA, INC.,

Plaintiff,

vs.

THE ST. PAUL TRAVELERS COMPANY,
 INC., and ST. PAUL MERCURY
 INSURANCE COMPANY,

Defendants.

Case No.: C-05-02499 JF

**STIPULATION AND [PROPOSED]
 ORDER EXTENDING TIME TO
 CONDUCT PRIVATE MEDIATION AND
 FOR CONTINUANCE OF FURTHER
 CASE MANAGEMENT CONFERENCE
 SCHEDULED FOR MAY 4, 2006**

The parties, through their undersigned counsel, stipulate as follows:

1. At the initial case management conference held on October 28, 2005, the parties agreed, and the Court ordered that best efforts should be exercised to hold a mediation by April 30, 2006. At that time, the parties anticipated that sufficient discovery, investigation of plaintiff's claim, and informal exchange of information could be done prior to that date to enable a meaningful mediation to proceed. The parties, however, recognized the importance of sufficient preparation prior to any mediation to ensure its possible success, and the Court's Order, dated October 12, 2005, specifically included a provision providing for a meet and confer process and request to the Court for additional time for mediation if necessary under the circumstances. *See* Stipulation and Order Selecting ADR Process, dated October 12, 2005 (the parties agree "to meet and confer and cooperate should it prove necessary to seek the Court's

1 approval to move the above [ADR] deadline forward given the progress of discovery over the
2 next several months.”).

3 2. Since the initial case management conference, the parties have exchanged initial
4 disclosures, exchanged and responded to document requests, and produced responsive
5 documents. St. Paul has produced approximately 2,000 pages of documents to Systems
6 America, and Systems America is currently producing additional documents in response to St.
7 Paul’s document requests.

8 3. The parties have engaged in significant discovery, but require additional time to
9 analyze and review the documents produced during discovery and to complete their
10 investigations before they are able to engage in a meaningful mediation. The parties therefore
11 mutually agree that participating in a mediation by the April 30, 2006 date set under the prior
12 Order would be unlikely to resolve the case.

13 4. To ensure a reasonable probability that the mediation will successfully resolve
14 the parties’ disputes, the parties jointly request that the Court extend the mediation cut-off date
15 to June 30, 2006.

16 5. Consistent with the above, the parties also jointly request that the Court continue
17 the May 4, 2006 Further Case Management Conference until July 21, 2006, three weeks after
18 the parties’ June 30, 2006 mediation.

19 6. Having consulted with the Court’s Deputy Clerk, the parties file this Stipulation
20 and Proposed Order in lieu of the parties’ Case Management Conference Statement.

1 DATED: April 20, 2006

2 HELLER EHRMAN LLP

3
4 By Esta Brand
5 Christopher Stoll
6 Esta Brand

7 Attorneys for Plaintiff Systems America, Inc.

8 DATED: _____

9 BULLIVANT HOUSER BAILEY PC

10
11 By _____
12 Jess B. Millikan
13 Kevin M. (Casey) Christensen

14 Attorneys for Defendants St. Paul Mercury
15 Insurance Company and The St. Paul Travelers
16 Company

1 DATED: _____

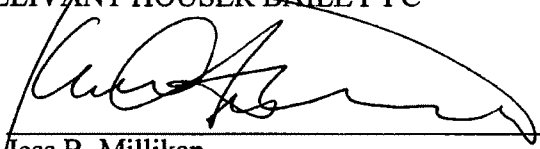
2 HELLER EHRMAN

3
4 By _____
5 Christopher Stoll
6 Esta Brand
7 Timothy McMichael

8 Attorneys for Plaintiff Systems America, Inc.

9 DATED: 4/28/06

10 BULLIVANT HOUSER BAILEY PC

11
12 By  _____
13 Jess B. Millikan
14 Kevin M. (Casey) Christensen

15 Attorneys for Defendants St. Paul Mercury
16 Insurance Company and The St. Paul Travelers
17 Company

[PROPOSED] ORDER

Based upon the foregoing stipulation, and good cause appearing therefore, the Court's initial case management order is hereby amended as follows:

- (i) The parties shall submit this matter to private mediation on or before June 30, 2006;
- (ii) The May 4, 2006 Further Case Management Conference is continued to July 21, 2006.

DATED: 4/27/06



Hon. Jeremy Fogel
United States District Judge